

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

**FILED**

2008 AUG 14 A 9 09

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

**E-FILING**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ASCENCIO PINEDA-MARTINEZ,

Defendant.

**CR - 08 00545**

VIOLATION: 8 U.S.C. § 1326 (a) and (b)  
Illegal Re-Entry Following Deportation

SAN JOSE VENUE

INFORMATION

The United States charges:

On or about February 11, 2008, the defendant

ASCENCIO PINEDA-MARTINEZ,

an alien, previously having been arrested and deported from the United States on or about

September 23, 1988, October 24, 1989, July 26, 1991, March 2, 1994, and April 8, 2003, was

found in the Northern District of California, the Attorney General of the United States

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WJC

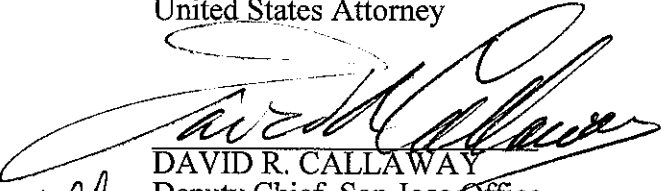
1 and the Secretary for Homeland Security not having expressly consented to a re-application by  
2 the defendant for admission into the United States.

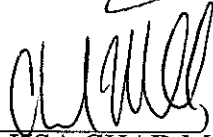
3 It is further alleged that the defendant was removed from the United States subsequent to a  
4 conviction for commission of an aggravated felony.

5 All in violation of Title 8, United States Code, Sections 1326(a) and (b).

6 DATED: 8/13/2008

JOSEPH P. RUSSONIELLO  
United States Attorney

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DAVID R. CALLAWAY  
Deputy Chief, San Jose Office

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11 (Approved as to form: )

SAUSA CHAD MANDELL

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

COUNT ONE: 8 U.S.C. § 1326 - Illegal  
 Re-Entry Following Deportation

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

## PENALTY:

20 years imprisonment  
 \$250,000 fine  
 3 years supervised release  
 \$100 special assessment

E-FILING

## PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)  
 S/A TIMOTHY F. PURDY - ICE

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

08-70124 RS

Name and Office of Person  
 Furnishing Information on  
 THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y  
 (if assigned)

SAUSA CHAD MANDELL

Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S.

2008 AUG 14 A 9:09

ASCENCIO PINEDA MARTINEZ

RICHARD W. WILKING

DISTRICT COURT CLERK

U.S. DISTRICT COURT

NO. DIST. OF CA. S.J.

CR - 08 00545 JF

## DEFENDANT

## IS NOT IN CUSTODY

RS

1) ☐ Has not been arrested, pending outcome this proceeding.  
 If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

Northern District of California

## IS IN CUSTODY

4) ☒ On this charge

5) ☐ On another conviction

6) ☐ Awaiting trial on other charges

☒ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

☐ SUMMONS ☒ NO PROCESS\*

☐ WARRANT Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_